THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY
WRIT PETITION No.22672 of 2006
Dated:12.02.2007

Between:

Mohd.Amir Umaiz.

...Petitioner

and

The Osmania University.

...Respondent

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY
WRIT PETITION No.22672 of 2006

ORDER:

The petitioner, a student of Bachelor of Technology, filed this Writ Petition seeking direction by way of mandamus to declare the action of the respondent in not issuing the consolidated memorandum of marks for the first year as illegal and arbitrary.

The petitioner was admitted to the said course in the academic year 2002-03, and appeared for the first year examination with Hall Ticket No.04030494 in E.C.E branch. During the first year examination a case of malpractice was registered against the petitioner in the middle of the examinations, and thereafter, he was not allowed to write some of the examinations. He has questioned the order passed by the Malpractice Committee before this Court in W.P.No.16549 of 2003, and the order passed by the respondent debarring the petitioner to write the examinations was set aside on the ground that the said order was not preceded by any show cause notice giving an opportunity to the petitioner. Though it was kept open to

the respondent to issue show cause notice and pass appropriate orders, it is stated that no further orders are passed, and the petitioner was allowed for promotion to second year and was also allowed to complete second year first semester, and the petitioner completed the course.

Though, at the first instance, the petitioner appeared for the examinations in the month of May 2003, as he was prevented from writing some of the examinations in view of registration of malpractice case, he appeared for the left over papers in the month of November 2003 separately, and in the said examinations he was declared passed. It is the grievance of the petitioner that so far as first year subjects are concerned, instead of issuing consolidated memo of marks, the respondent issued two separate memo of marks sheets, one for the examinations which he had appeared in May 2003 and the other for the examinations which he appeared in November 2003.

It is submitted by the learned Standing Counsel appearing for the respondent-University, Sri Deepak Bhattacharjee, that as per the practice in the University, as the petitioner has appeared two different times, as such, two different memos were issued.

In normal course if the petitioner had not appeared on his own, the respondent can issue separate memo of marks. But, in this case, however, it is to be seen that though he was writing examinations, but for the order passed by the respondent,

he did not appear for some examinations in the month of May 2003, and he appeared for the left over subjects in the

next phase of examinations i.e., November 2003. The order by which he was prevented to write the rest of examinations in the month of May 2003 was set aside by this Court, and further, it is also admitted that though it was left open to the respondent for passing fresh orders after issuing notice, however, no further orders have been passed. In that view of the matter there is no reason for issuing two separate memo of marks instead of issuing consolidated memo of marks so far as first year marks are concerned.

For the aforesaid reasons, I dispose of the Writ Petition directing the respondent to issue a consolidated memo of marks for all the subjects of the first year examinations for which the petitioner appeared in the month of May 2003 as well as in the month of November 2003, within a period of six weeks from the date of receipt of a copy of this order.

Subject to the above directions, this Writ Petition is disposed of. No order as to costs.

(R.SUBHASH REDDY, J)

12.02.2007
vs